

REMARKS

In response to the final Official Action of August 14, 2008, claims 1, 9, 10, 13, 22, 23, 28, 29, 31, 53-55, 58, 60, 75, and 76 have been amended and claims 42, 64, and 65 have been canceled.

The claim amendment to the above-identified claims is to replace the term "session" WITH the term "multimedia session". Support for this amendment is found in the original application as filed, including page 1, lines 4-6 and the Abstract. No new matter is added.

Thus, claims 1, 2, 5, 7, 9, 13, 15, 17, 18, 21-23, 25-29, 31, 34, 43-45, 53-55, 58-61, and 75-77 are pending.

Response to Amendment

Applicant notes at sections 1-4 that the rejection under 35 USC §101 with respect to claims 1, 2, 5, 7, 9, 10, 13, 15, 17, 18, 21-23, 25-29, 31, 34, 43-45, 53-55, 75, and 76 has been overcome, but that the §101 rejection is sustained for claims 42, 58-61, 64, and 65.

Objection to Specification

The specification is objected to with regard to providing proper antecedent basis for the claimed subject matter of claims 42, 64, and 65. These claims have been canceled and therefore the objection to the specification is moot.

Claim Rejections - 35 USC §101

At section 7, claims 42, 58-61, 64, and 65 are rejected under 35 USC §101 as directed to non-statutory subject matter. As noted above, claims 42, 64, and 65 have been canceled.

With regard to claims 58-61, independent claim 58 has been amended as noted above to recite multimedia sessions with respect to the receiver element. Claims 59-61 all ultimately depend from amended claim 58.

Independent claim 58 is directed to an apparatus comprising a processor and a receiver, with the receiver configured to selectively receive a first set of announcements describing a plurality of multimedia sessions transmitted through a network and to provide the first set of announcements to the processor, as well as configured to selectively receive a second set of announcements describing at least one updated multimedia session and to provide the second set of announcements to the processor. Claims 58-61 are clearly directed to a physical entity, such as shown in Figure 24, as well as described in the specification at page 36, line 20 through page 37, line 33.

Consequently, physical items are claimed; namely, a processor and a receiver, with the receiver specifically configured as noted above to. It is not seen how claim 58 can be argued to be non-functional in nature when the apparatus set forth in claim 58 corresponds to the actions recited in method claim 1 which the Office specifically finds to be directed to statutory subject matter as noted above with regard to section 4 of the final Official Action.

It is therefore respectfully submitted that the apparatus recited in claims 58-61 are clearly statutory subject matter since elements are defined, as well as the functional nature of those elements which clearly set forth a useful, concrete, and tangible result (see Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility and US Patent and Trademark Office Memorandum dated May 15, 2008 from John J. Love, Deputy Commissioner for Patent Examination Policy entitled "Clarification of 'Processes' under 35 USC §101).

Claim Rejections - 35 USC §102

At section 9, claims 1, 2, 5, 7, 9, 10, 13, 15, 21, 22, 25-29, 31, 34, 42-45, 53-55, 58-61, 64, 65, and 75-77 are rejected under 35 USC §102(e) as anticipated by US patent 7,080,078, Slaughter, et al (hereinafter Slaughter).¹

With respect to claim 1, the Office asserts that Slaughter teaches a method that provides a first set of announcements describing a plurality of sessions transmitted

through a network, as well as providing a second set of announcements describing at least one updated session and transmitting said first and second set of announcements. As noted above, claim 1 has been amended to particularly point out and distinctly claim that the sessions previously recited are now specifically enumerated as multimedia sessions.

As clearly set forth in Slaughter, it is directed to "...space services" (Slaughter, Abstract). At column 41, lines 19-23, Slaughter states "...space services may use the Multicast Announcement Protocol Environment to announce themselves on a LAN". A "space" is defined in Slaughter at column 7, lines 46-50 as follows:

"A distributed computing environment may rely on 'spaces' or object repositories to provide a rendezvous mechanism or catalyst for the interaction between clients and services. Service providers may advertise services in a space."

Furthermore, a "service" is defined in Slaughter at column 2, lines 46-57 as follows:

"A key concept within the Jini architecture is that of a service. A service is an entity that can be used by a person, a program, or another service. Two examples of services are printing a document and translating from one word processor format to another. Jini allows the members of a Jini system to share access to services. Services in a Jini system communicate with each other by using a service protocol, which is a set of interfaces written in the Java programming language. Services are found and resolved in a Jini system by a look-up service. A look-up service maps interfaces indicating the functionality provided by a service to sets of objects that implement the service."

It is therefore clear that there is no disclosure in Slaughter that a service or even a space service is a multimedia session as specifically required by amended claim 1. Therefore, there is no disclosure in Slaughter of providing sets of announcements

¹ Claims 42, 64, and 65 are canceled and therefore the rejection is moot with regard to these claims.

describing a plurality of multimedia sessions, let alone providing first and second sets of announcements as specified in amended claim 1.

According to claim 1, a second set of announcements is used to describe at least one updated multimedia session (such as on-line newspapers, radio, television, music, video, picture, games, and software). This feature has the advantage that updated multimedia sessions can be announced quickly and efficiently. Thus, a user does not have to download an entire service guide before being notified of an updated multimedia session (see present application specification, page 2, lines 14-21).

It is therefore respectfully submitted that Slaughter, as well as the additional art, including US patent application publication 2001/0037500, Reynolds, et al, are not directed to the problem or solution of the present invention by which a first and second set of announcements are provided which describe a plurality of multimedia sessions transmitted through a network, as well as a second set of announcements describing at least one updated multimedia session and further including transmitting said first and second set of announcements.

It is therefore respectfully submitted that claim 1, as amended, is not anticipated or suggested by Slaughter.²

Independent claims 43, 53, 55, and 58 have been amended in a manner similar to claim 1 and for similar reasons, each of these claims is also not anticipated or suggested by Slaughter.

Dependent claims 2, 5, 7, 9, 10, 13, 15, 21, 22, 25-29, 31, 34, 44, 45, 54, 59-61, and 75-77 all ultimately depend from one of the above-identified independent claims. Therefore, each of these dependent claims is believed to be not anticipated by Slaughter at least in view of such dependency.

² In response to the Response to Arguments section at pages 16-18 of the final Official Action, it is noted that Slaughter does not disclose anything other than space services that use "Multicast Announcement Protocol" and consequently does not disclose or suggest multimedia sessions as set forth in amended claim 1.

Claim Rejections - 35 USC §103

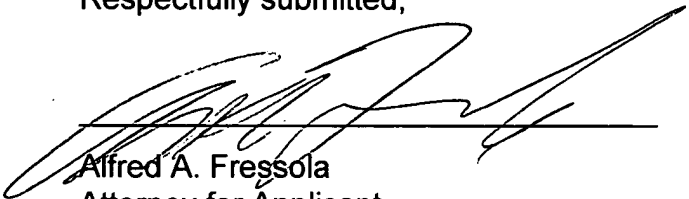
At section 11, dependent claims 17, 18, and 23 are rejected under 35 USC §103 as unpatentable over Slaughter further in view of US patent application publication, 2001/0037500, Reynolds, et al. Each of these claims depends from claim 1 and therefore each of these claims is believed to be allowable at least in view of such dependency.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

Dated: December 15, 2008

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A handwritten signature in black ink, appearing to read 'Alfred A. Fressola', is written over a horizontal line.

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